United States District Court
For the Northern District of California

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4   IN THE UNITED STATES DISTRICT COURT

5   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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7   ASIS INTERNET SERVICES, et al.,   ) Case No. 09-3503 SC
)
8   Plaintiffs,   ) ORDER RE:
) <u>ADMINISTRATIVE MOTION</u>
9   v.   )
)
10   )
    SUBSCRIBERBASE, et al.,   )
11   )
               Defendants.   )
12   )
    _____)

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14   Before the Court is an Administrative Motion by Defendants

15 Subscriberbase, et al. ("Defendants") to file documents under seal.

16 ECF No. 40 ("Admin. Mot.") Defendants seek to file under seal

17 portions of documents produced in discovery by Plaintiff Asis

18 Internet Services ("Asis"), as well as portions of Defendants'

19 Opposition to Asis's Motion to Dismiss all Defendants, ECF No. 38

20 ("Opp'n"), which references these documents. Admin. Mot. at 2.

21 While there is a protective order in place in this action, ECF No.

22 32, these documents were not designated as confidential by Asis

23 when it produced them. Admin. Mot. at 2. Defendants seek to file

24 these documents under seal because they "contain[] banking and

25 finance information for ASIS and its principal Nella White," and

26 "ASIS or Nella White may consider this information Confidential."

27 <u>Id.</u>

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1   Civil Local Rule 79-5(d) provides the procedure for filing

2   under seal documents designated confidential by another party.

3   Under this rule, the moving party must file an administrative

4   motion with the court. The designating party then has seven days

5   to preserve the documents' confidentiality by filing and serving a

6   "declaration establishing that the designated information is

7   sealable" and "a narrowly tailored proposed sealing order." Id.

8   Asis did not designate these documents as confidential, nor

9   did it file a responsive declaration or sealing order. For these

10 reasons, Defendants' Administrative Motion to file the documents

11 and its Opposition under seal is DENIED. Pursuant to Civil Local

12 Rule 79-5(e), Defendants shall retain the documents and its

13 Opposition and not make them part of the record in the case, or,

14 within four days, re-submit unredacted versions of the documents

15 and Opposition for filing in the public record.

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17   IT IS SO ORDERED.

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19   Dated: September 1, 2010

20   UNITED STATES DISTRICT JUDGE

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